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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------|-------------|----------------------|---------------------|------------------|
| 09/506,432 | 02/17/2000 | John R. Stevens | 032795-001 | 6452 |
| 28581 | 7590 | 11/26/2004 | EXAMINER | |
| DUANE MORRIS LLP | | | FRENEL, VANEL | |
| PO BOX 5203 | | | ART UNIT | |
| PRINCETON, NJ 08543-5203 | | | PAPER NUMBER | |

3626

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/506,432

Applicant(s)

STEVENS ET AL.

Examiner

Vanel Frenel

Art Unit

3626

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☒ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation.
6. ☒ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.Claim(s) objected to: None.Claim(s) rejected: 1,3,4,6-15,56,58,60-62 and 64-67.Claim(s) withdrawn from consideration: None.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____



ALEXANDER KALINOWSKI
PRIMARY EXAMINER

Continuation of 5:

Note: Applicant's arguments filed on 11/04/04 with respect to the rejection of claims 1, 3, 4, 6-15, 56, 58, 60-61 and 64-67 under 35 U.S.C 103 (a) and the Affidavit of Declaration under 37 U.S.C. 1.131 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed on 11/04/04.

(A) With respect to Applicant's first argument, Examiner respectfully submits that the references in the prior Office Action have been disclosed the limitations that Applicant's is referring to. However, as explained below the Declaration is ineffective to overcome the Robert McCaffrey reference. Therefore, Applicant's argument is not persuasive and the finality is hereby sustained.

(B) With respect to Applicant's second argument, Examiner respectfully notes that the Affidavit filed on 11/04/04 under CFR 1.131 has been fully considered but is ineffective to overcome the Leatherman (5,544,044), Johnson (4,987,538) and StellarNet Releases First Internet Based Claims Verification Product For Worker's Compensation Industry by Robert McCaffery (PR Neswire, New York, November 11, 1999). The evidence submitted is insufficient because Applicant fails to demonstrate factual proof of the invention. The screen shot associated with the graphical user interface are not sufficient enough to overcome the finality, more details are needed in order to establish actual reduction to practice. Since the declaration was insufficient, Examiner maintains the rejection of the claims 1, 3, 4, 6-15, 56, 58, 60-61 and 64-67 used in the previous Office Action was based on the combination of the references cited above to reject the claims. Therefore, Applicant's argument is not persuasive and the finality is hereby sustained.